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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,437	08/20/2003	Harry C. Sweere	44374.11.5	7042

7590 10/08/2004

Allen W. Groenke  
Fredrikson & Byron, P.A.  
4000 Pillsbury Center  
200 South Sixth Street  
Minneapolis, MN 55402

EXAMINER

WUJCIAK, ALFRED J

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 10/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/644,437

Applicant(s)

SWEERE ET AL.

Examiner

Alfred Joseph Wujciak III

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NY

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 35-40 is/are allowed.
- 6) ☒ Claim(s) 1-20, 23-34 and 41-43 is/are rejected.
- 7) ☒ Claim(s) 21 and 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/17/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### **DETAILED ACTION**

This is the first Office Action for the serial number 10/644,437, STAND, filed on 8/20/03.

#### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 3/17/04 was filed after the mailing date of the filing date on 8/20/03. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the first display, the second display and the third load must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the

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drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The abstract of the disclosure is objected to because "#2690783\16" located on the bottom of abstract is indefinite and should be deleted. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9-11, 24-34 and 42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9, line 1, "the second load" is indefinite because it cites combination/subcombination problem. "The second load" is not positively cited in claim 7.

Claims 10-11 are rejected as depending on rejected claim 9.

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Claim 24 recites the limitation "the head" and "the base" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claims 25-34 are rejected as depending on rejected claim 24.

Claim 42 recites the limitation "the balance mechanism" in line 1. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8, 13-14, 17-20, and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Application Publication # 2002/0088910 to Sweere et al.

Sweere et al. teaches an apparatus (figure 44) comprising a fixed component (the lowest most of 5104 which is base) and a movable component (the uppermost of element 5104 and adjacent to element 5132) disposed in sliding engagement with one another. The apparatus includes a means for providing a force/balancing force (5032) between the fixed component and the movable component. The means for providing the force between the fixed component and the movable component comprises a spring and a means for deflecting/friction force (5022) the spring as the fixed component and the moveable component are moved relative to one another. Wherein the spring provides an ascending spring force as the deflection of the spring increases.

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The apparatus includes a means for converting the ascending force (5124) of the spring to a substantially constant counter-balancing force. The means for providing the force between fixed component and the movable component comprises a constant force spring (5126a). The friction force has a magnitude smaller than the magnitude of the balancing force. The magnitude of the balancing force is being substantially equal to a first load (5284). The first load is a weight of a first display. The apparatus includes at least one slide (5002) for guiding relative motion between the first component and the second component. The first component and the second component are free of any mechanical interlocking preventing motion parallel to an axis of the at least one slide so that the first component and the second component may be moved relative to one another by applying a single repositioning force which overcomes the friction force.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 41-43 are rejected under 35 U.S.C. 102(b) as being anticipated by  
US Patent # 4,922,836 to Damico.

Damico teaches an apparatus comprising a first slide having first inner rail (18) and first outer rail (22), constant force spring (110) having a distal end fixed to one of the rails (116,118) and a shoe (30) fixed to the other of the rails. The shoe contacting a coiled portion (112) of the constant force spring (figure 2). The spring is coupled between the inner and outer rails and is being disposed between the first slide and a second slide (26).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sweere et al. in view of US Patent # 6,222,507 to Gouko.

Sweere et al. teaches the first load but fails to teach the second and third loads. Gouko teaches the first load (2), second load (3) and third load (4). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added additional loads to Sweere et al.'s apparatus as taught by Gouko to provide divided images on each loads for viewer's convenience.

Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sweere et al.

Sweere et al. teaches the magnitude of the friction force but fails to teach the magnitude of the friction force is smaller than a force created by a single human hand or finger, however on page 4, section 0037 in Sweere et al.'s invention explains that "the cam converts the force applied by the energy storage member into a supporting force on the monitor" which would provide aid in adjusting monitor in vertical direction. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have used human's hand or finger to provide convenience for changing the height of monitor without using additional support due to weight of monitor.

***Allowable Subject Matter***

Claims 21-22 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 24-34 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claims 35-40 are allowed.

In regard to claims 21-22, the prior art fails to teach the means for providing the friction force comprises a shoe contacting an outer surface of the constant force spring/cam. In regard to claims 24-34, the prior art fails to teach the shoe contacting the first cam surface at a sliding contact point. In regard to claims 35-40, the prior art fails to teach the method for urging the shoe against a first cam surface of the came and deforming the resilient member so that the shoe is biased against the first cam surface at a sliding contact point while the roller is contacting the first cam surface at a rolling contact point.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent # 3,862,734 to Buchin et al.

US Patent # 5,904,328 to Leveridge et al.



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US Patent # 6,702,238 to Wang

US Patent # 6,712,321 to Su et al.

US Patent # 6,783,105 to Oddsen, Jr.

US Patent # 2004/00118984 to Kim et al.

US Patent # 2004/0084585 to Watanabe et al.

US Patent # 2004/0011932 to Duff

US Patent # 6,282,264 to Smith et al.

US Patent # 6,286,794 to Harbin

Japan Patent # 2003295161 to Saito

US Patent # 6,796,537 to Lin

Buchin et al., Leveridge et al, Wang, Su et al., Oddsen, Jr., Kim et al., Watanabe et al., Duff, Smith et al., Harbin, Lin and Saito teach a slidable support for the apparatus in vertical direction.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (703) 306-5994. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A Braun can be reached on 703 308 2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III

Examiner

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A handwritten signature in black ink, appearing to read "A. Joseph Wujciak III", with a stylized flourish at the end.

10/1/04